

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEBORAH LAUFER,
Plaintiff,

v.

MANN HOSPITALITY, LLC
Defendant.

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Case No. 1:20-cv-00620-JRN

AFFIDAVIT IN SUPPORT OF DEFENDANT'S PROPOSED
OPPOSED BILL OF COSTS AND MOTION FOR ATTORNEY'S FEES

STATE OF TEXAS

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HARRIS COUNTY

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, known to me as PIMAL A. PATEL, who being by me duly sworn, on oath stated:

1. "My name is Pimal A. Patel. I am over the age of twenty-one (21) and am fully competent to testify in the matters stated in this affidavit. I have never been convicted of a felony or other crime involving moral turpitude. I have personal knowledge of the facts stated herein.
2. The summons and complaint were filed on June 12, 2020. The Honorable Judge James R. Nowlin issued a signed order granting Defendant's Motion to Dismiss (*Dkt. 8*) on September 30, 2020 and awarded Defendant its attorney fees and costs. (*Dkt. 15.*). On October 1, 2020, the Court issued Final Judgment. (*Dkt. 16.*)
3. I am an attorney at Patel PC. Patel PC was retained by Mann Hospitality, LLC, ("Defendant") in this case. Defendant entered into an engagement agreement with Patel PC and agreed to compensate Patel PC at a rate of \$350 per attorney hour. Patel PC has represented Defendant and other clients in many cases and involving the lodging industry and including commercial debts, civil rights violations, breaches of contract, and suits on account.
4. I am an attorney licensed since 2016 who practices throughout the state of Texas and in various federal district courts and federal appeal courts. My practice consists primarily of cases involving commercial litigation, real estate transactions & litigation, franchise litigation, construction litigation, and partnership disputes. I am familiar with the customary, usual, and reasonable charges by attorneys for similar cases in this county.

5. I am in good standing with the State Bar of Texas and admitted to practice in the (i) State of Texas, (ii) the United States District Court for the Southern District of Texas, (iii) the United States District Court for the Northern District of Texas, (iv) the United States District Court for the Western District of Texas, (v) the United States District Court for the Eastern District of Texas, (vi) the United States District Court for the Western District of Wisconsin, (vii) the United States District Court for the Eastern District of Wisconsin, and the United States Bankruptcy Court for the Western District of Wisconsin.
6. Defendant's claim for attorney fees is based on this Court's Order and Final Judgment, which allow Defendant to seek reasonable and necessary attorney fees, as well as the *Arthur Anderson* factors. In this case the work performed by this office includes but is not necessarily limited to:
 - a) Review of the documentation upon which Plaintiff's claims are founded, development of strategy, and case discussions with Defendant;
 - b) Research case law with respect to Plaintiff's claims;
 - c) Preparation of various correspondence and performing due diligence research regarding Plaintiff and its claims;
 - d) Discussions with Plaintiff's Counsel regarding matter pertaining to the Action;
 - e) Discussions with Defendant regarding matter pertaining to the Action;
 - f) Settlement correspondence and documentation with Plaintiff's Counsel;
 - g) Preparation and filing of Defendant's Motion to Dismiss, responses and replies with its order and exhibits.
7. The hours claimed, billed, and paid by Defendant to Patel PC include the following:

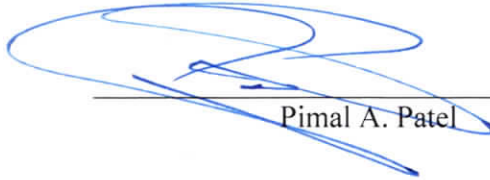
DATE	WORK PERFORMED	ATTORNEY	HOURS
07/09/2020	Discussion w/ Client. Review and analyze Original Complaint. Review and Retrieve Case Docket.	Pimal Patel	.8
07/14/2020	Phone Discussion w/ Client regarding settlement posture. Phone Discussion w/ P. Cullen. Correspondence to/from P. Cullen. Draft Motion to Extend to Respond.	Pimal Patel	1.1

07/14/2020	Review Settlement Proposal by P. Cullen. Memo to Client Regarding Settlement. Research and Analyze Standing Issues. Retrieve various Court filings in Laufer's cases against similar lodging owner. Discussion w/ Client.	Pimal Patel	2.1
08/13/2020	Research regarding compliance for hotels with the ADA that have been constructed before ADA enactment. Begin skeleton Draft of Motion to Dismiss.	Pimal Patel	.7
08/17/2020	Correspondence to/from P. Cullen. Review Proposed Scheduling Order.	Pimal Patel	.2
08/18/2020	Phone Discussion w/ P. Cullen. Correspondence to/from P. Cullen. Review DOJ Guidance. Phone Discussion w/ Client.	Pimal Patel	.7
08/18/2020	Review case file, original petition, caselaw research, motion to dismiss based on Fed. R. Civ. P. 12(b)(1) and 12(b)(6).	James McMartin	1.8
08/19/2020	Review/Revise Motion to Dismiss. Strategy discussion w/ Client.	Pimal Patel	2.2
08/20/2020	Finalize Motion to Dismiss and Proposed Order and Prepare Exhibits. Prepare for Filing.	Pimal Patel	3.7
08/25/2020	Review Response to Motion for Leave.	Pimal Patel	.2
08/26/2020	Reviewed Docket Entry and Court Order.	Pimal Patel	.1
09/01/2020	Review Docket Entry. Analyze Plaintiff's Statement and Memorandum in Opposition to Motion to Dismiss.	Pimal Patel	.5
09/03/2020	Research issues regarding in Memorandum In Opposition to Motion to Dismiss.	Pimal Patel	.9
09/04/2020	Begin Skeleton Reply to Motion to Dismiss	Pimal Patel	.5
09/07/2020	Research and review caselaw supporting Defendant's Response to Memo in Opposition to Motion to Dismiss.	James McMartin	.7

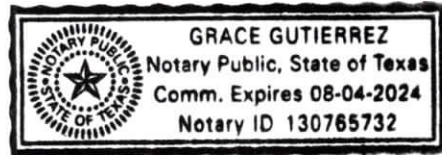
09/08/2020	Revise and edit Defendant's Response to Defendant's Memorandum in Opposition of Motion to Dismiss.	James McMartin	2.8
09/08/2020	Review and Finalize Reply to Response to Motion to Dismiss. Prepare for Filing. Phone Discussion w/ Client.	Pimal Patel	.9
09/30/2020	Review Docket Entry and Court Order regarding Motion to Dismiss. Phone Discussion w/ Client. Phone Discussion w/ P. Cullen.	Pimal Patel	.5
10/05/2020	Review Notice of Appeal and Docket Entry.	Pimal Patel	.1
10/06/2020	Correspondence to/from P. Cullen. Review Settlement Proposal and analysis of Fifth Circuit regarding appeal issues purported and raised by P. Cullen.	Pimal Patel	.8
10/07/2020	Phone Discussion w/ Client. Correspondence to/from P. Cullen.	Pimal Patel	.9
10/13/2020	Draft of Defendant's Proposed Bill of Costs and Motion for Attorneys' Fees	Pimal Patel	1.4
10/13/2020	Draft Proposed Order and Affidavit for Draft of Defendant's Proposed Bill of Costs and Motion for Attorney Fees	Pimal Patel	1.0

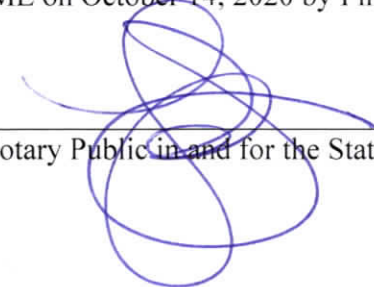
8. Considering the amount in controversy, the legal question involved, the benefit conferred, the nature and length of Patel PC's relationship with Defendant, an hourly attorney rate of \$350 per attorney hour, 24.6 hours of work performed and time required, and the time limits imposed, the amount sought by Plaintiff in damages for attorney fees of \$8,610.00 is reasonable and necessary. The fees charges are usual and customary for the same or similar services for an attorney with my experience, reputation, and ability.
9. It is my opinion that, if a judgment in this case were to be appealed, it would be reasonable and necessary for Plaintiff to incur the following additional attorney fees: \$20,000.00 if a defendant unsuccessfully appeals a Final Judgment in this case to the Court of Appeals in and for the Fifth Circuit, and \$25,000 if a defendant unsuccessfully appeals a Final Default Judgment in this case to the United States Supreme Court."

FURTHER AFFIANT SAYETH NOT.


Pimal A. Patel

SWORN TO AND SUBSCRIBED BEFORE ME on October 14, 2020 by Pimal A. Patel.




Notary Public in and for the State of Texas